

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT PETITION NO: 14389 of 2004**

Between:

K.Sony, w/o Sri K.Ravindranath (late)  
10-5-779/18/1, Venkat Nagar, Thukaram Gate, North Lallaguda,  
Secunderabad-500 017

**..... PETITIONER**

AND

- 1 The Deputy General Manager, State Bank of India,  
Personnel & H.R.D.Section, Hyderabad Zonal Office,  
Secunderabad-500 003.
- 2 The Asst.General Manager, State Bank of India,  
ECIL, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorari, or any other appropriate writ order or direction, declaring the impugned proceedings of the respondents herein No:28-141, dt:24-1-04 issued by the respondents herein as illegal, arbitrary, null and void and for consequential relief/order and quash the impugned proceedings of the respondents No:28-141, dt:24-1-04, as violative of Article 14, 16, 21 of the Constitution of India.

**Counsel for the Petitioner: SMT.A.P.LAKSHMI**

**Counsel for the Respondents: MR. E.MADAN MOHAN RAO**

**The Court at the stage of admission made the following:**

**HONOURABLE MR.JUSTICE K.C.BHANU**

WRIT PETITION NO.14389 OF 2004

**ORDER:**

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The present writ petition is filed by the petitioner to declare the impugned proceedings in No.28-141, dated 24.01.2004 of the respondents herein, as illegal and arbitrary.

2. The petitioner alleged that her husband died on 07.08.2000 due to injuries sustained by him, leaving behind the minor children and the petitioner, therefore, she sought for compassionate appointment through a representation, dated 23.08.2000. Having kept quite for 3½ years, the respondents passed the impugned orders. Therefore, the present writ petition is filed.

3. The respondents filed their counter-affidavits stating that the petitioner was paid terminal benefits of Rs.1,70,182/- and the respondent-bank objectively considered the request of the petitioner under the scheme in force and found that the petitioner's case does not fit into the object of granting compassionate appointment and the mere death in harness does not entitle the petitioner to claim compassionate appointment and the case of the petitioner does not fall within the parameters. Therefore, the respondents pray to dismiss the petition.

4. The learned counsel for the petitioner contended that the impugned order does not indicate about the reasons for rejecting the request for compassionate grounds, and therefore, it suffers from serious infirmities.

5 . The learned counsel for the respondent-bank contended that considering the financial condition of the petitioner, her case was rejected and therefore, there are no grounds to interfere with the impugned proceedings.

6. It is not in dispute that the husband of the petitioner died while he was working as a Dufftry with the second respondent herein. It is also not in dispute that the petitioner herein made an application for compassionate appointment on 23.08.2000 and the same was kept with the respondents for 3½ years without passing any orders. Ultimately, by impugned proceedings dated 24.01.2004, the case of the petitioner was rejected. It is not disputed before this Court that there was no scheme available with the bank about appointments on compassionate grounds. Though it is stated in the counter that the case of the petitioner was considered objectively, but as seen from the impugned proceedings, it does not indicate so. So also, they have stated in the counter that taking into consideration the financial position of the petitioner, her case was rejected. Though the pleas have been taken by the respondent for the first time in the counter, the impugned order does not indicate about the amounts that were said to have been received by the writ petitioner or when they have received, or the reasons for not considering the petitioner's application for about 3½ years, and what is the objective assessment made by the respondent-Corporation, is also not indicated in the impugned order. Therefore, in my considered view, the impugned order suffers from serious legal infirmity so as to call for interference of this Court.

7. Therefore, the impugned order dated 24.01.2004 is totally a non-speaking order, and hence, it is set aside. The respondents are directed to consider the case of the petitioner in terms of the scheme available and also the guidelines as referred to by the authoritative pronouncement of the Supreme Court in **Umesh Kumar Nagpal V. The State of Haryana** within a period of two months from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. In the circumstances of the case, there shall be no order as to costs.

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K.C.BHANU, J

02<sup>nd</sup> December, 2004.

SKM

TO

- 1 The Deputy General Manager, State Bank of India,  
Personnel & H.R.D. Section, Hyderabad Zonal Office,  
Secunderabad-500 003.
- 2 The Asst.General Manager, State Bank of India,  
ECIL, Hyderabad.
- 3 Two C.D. Copies.